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FINAL TEXT OF A TREATY ON AN AFRICAN NUCLEAR-WEAPON-FREE ZONE

Report of the fourth and fifth meetings of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone

Note by the Secretary-General

At its forty-eighth session, on 16 December 1993, the General Assembly adopted resolution 48/86, entitled "Establishment of a nuclear-weapon-free zone in Africa".

In pursuance of the request contained in paragraph 7 of that resolution, the Secretary-General hereby transmits to the General Assembly the report of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone.

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ANNEX

Report of the fourth and fifth meetings of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone

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LETTER OF TRANSMITTAL

22 August 1994

Sir,

I have the honour to submit herewith the report of the fourth and fifth meetings of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone. The Group was appointed by you in pursuance of General Assembly resolution 48/86 of 16 December 1993.

The fourth and fifth meetings of the Group of Experts, which were organized by the United Nations in cooperation with the Organization of African Unity (OAU), were held at Windhoek from 16 to 25 March 1994 and at Addis Ababa from 11 to 14 May 1994, respectively.

At the fourth meeting, at Windhoek, the following experts designated by the United Nations, in cooperation with OAU, took part in the meeting: Ambassador Oluyemi Adeniji, former Director-General, Nigerian Ministry of Foreign Affairs; Ambassador Fathi Marei, Adviser on Disarmament Issues to the Egyptian Minister for Foreign Affairs; Mrs. Liberata Mulamula, Counsellor, International Cooperation and Legal Affairs Department, Ministry of Foreign Affairs, United Republic of Tanzania; Mr. Gift Punungwe, Minister Counsellor, High Commission of Zimbabwe, Lagos; Ambassador Cheickh Sylla, Director, International Organizations Department, Ministry of Foreign Affairs, Senegal; Mr. Joyker Nayeck, Africa Desk, Ministry of External Affairs, Port Louis; Ambassador Ibrahima Sy, Executive Secretary, Office of OAU, New York; and Colonel Gustave Zoula, Chief of Section, External Policy Coordination, Peace and Strategic Questions, OAU. At the fifth meeting, at Addis Ababa, the same experts, with the exception of Mr. Gift Punungwe, took part in the meeting. In addition, the Honourable Darga, Minister of Housing, Lands, Towns and Country Planning, Port Louis; Mr. P. Goosen, Deputy Director, Disarmament Affairs, Department of Foreign Affairs, Pretoria; and Maj. Andre Hashiyana, Deputy Principal Staff Officer, Ministry of Defence, Namibia, also took part.

Mr. Mohamed Elbaradei, Assistant Director-General for External Relations, International Atomic Energy Agency (IAEA), participated as an expert; and Ms. Bronte Moules, Alternative Representative on the Australian delegation to the Conference on Disarmament, participated as an expert observer from a party to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) in both meetings.

Ambassador Jeremy B. Shearer, Deputy Director-General, Multilateral Branch, Department of Foreign Affairs, Pretoria; Mr. Peter Goosen, Deputy Director, Disarmament Affairs, Multilateral Branch, Department of Foreign Affairs,

The Secretary-General
United Nations
New York

Pretoria; Mr. Patrick V. Manana, Assistant Chief Representative, African National Congress (ANC), Windhoek; and Dr. Solly Skosana, Secretary for Environmental Affairs, Pan Africanist Congress of Azania (PAC), Johannesburg, attended the Windhoek meeting as expert observers.

The members of the Group of Experts wish to express their appreciation for the assistance that they received from the staff members of the Secretariat of the United Nations. They wish, in particular, to convey their special thanks to the Secretary of the Group of Experts, Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme, who also participated as Chief Expert Adviser.

I have been requested by the Group of Experts, as its Chairman, to submit to you, on its behalf, the attached report, which was endorsed unanimously.

(Signed) Ambassador Oluyemi ADENIJI
Chairman of the Group of Experts
to Prepare a Draft Treaty on an
African Nuclear-Weapon-Free Zone

Report of the fourth and fifth meetings of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone

I. INTRODUCTION

1. In its resolution 48/86 of 16 December 1993, the General Assembly, bearing in mind resolutions CM/Res.1342(LIV) and CM/Res.1395(LVI)/Rev.1 of the Organization of African Unity (OAU), inter alia, requested the Secretary-General, in consultation with OAU, to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with OAU to meet during 1994 at Windhoek and Addis Ababa, in order to finalize the drafting of a treaty on a nuclear-weapon-free zone in Africa, and to submit the text of the treaty to the Assembly at its forty-ninth session under an agenda item entitled "Final text of a treaty on an African nuclear-weapon-free zone".

2. Two meetings of experts, which were organized by the United Nations in cooperation with OAU, took place at Windhoek, from 16 to 25 March 1994, and at Addis Ababa, from 11 to 14 May 1994, respectively. At Windhoek, the Honourable Theo-Ben Gurirab, Minister for Foreign Affairs of Namibia, delivered the keynote address. At the Addis Ababa meeting, Mr. M. T. Mapuranga, Assistant Secretary-General of OAU (Political), delivered the keynote address on behalf of the OAU Secretary-General, Mr. Salim A. Salim. This was followed by statements by Ambassador Oluyemi Adeniji, Chairman of the Group of Experts, and by Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

3. Mr. Sola Ogunbanwo and Ambassador Ibrahima Sy participated as Chief Expert Advisers in both meetings.

4. At the request of the Group of Experts, the representatives of the following five nuclear-weapon States participated in a special meeting of the Group on 22 March 1994: Mr. Jiang Benning, Second Secretary, Embassy of China, Windhoek; Mr. Christian Bader, Counsellor, French Embassy, Windhoek; Mr. Andrei Stytsenko, First Secretary, Russian Embassy, Windhoek; High Commissioner Henry Hogger, British High Commission, Windhoek; Mr. David Fite, United States Arms Control and Disarmament Agency, Washington, D.C.; Mr. Herbert Calhoun, United States Arms Control and Disarmament Agency, Washington, D.C.; and Mr. Ray Meyer, Legal Advisor's Office, United States Department of State, Washington, D.C.

5. At Windhoek, the following representatives of the host Government attended the meeting as observers: Mr. Jens Peter Prothmann, Ministry of Foreign Affairs, Namibia; Mr. Evaristus Shikongo, Ministry of Defence, Namibia; and Mr. Andre Hashiyana, Ministry of Defence, Namibia. The representative of Nigeria, Mr. O. O. Aluko, from the High Commission in Windhoek, also attended as an observer. At Addis Ababa, the representatives of the following States members of OAU attended the meeting as observers: Algeria, Angola, Cameroon, Ethiopia, Gabon, Ghana, Guinea, Libyan Arab Jamahiriya, Namibia, Nigeria, Senegal, Sudan, Zaire and Zimbabwe.

Election of officers

6. At the fourth meeting of experts, at Windhoek, the meeting re-elected the following officers:

Chairman: Ambassador Oluyemi Adeniji

Vice-Chairman: Ambassador Fathi Marei

Rapporteur: Mr. Gift Punungwe

Chief Expert Advisers: Ambassador Ibrahima Sy
Mr. Sola Ogunbanwo

At the fifth meeting of experts, at Addis Ababa, the same officers were re-elected, except that Mrs. Liberata Mulamula was elected rapporteur in the absence of Mr. Gift Punungwe.

7. At Windhoek, after the re-election of officers, the experts adopted the following agenda:

Review of the Harare draft text of an African nuclear-weapon-free zone treaty.

8. The meeting had before it an informal working paper entitled "Proposals for the review of the Harare draft text of an African nuclear-weapon-free zone treaty".

9. After deliberating on the various proposals submitted to it, the Group of Experts took the following decisions, inter alia:

(a) The fifth meeting of the Group will take place at Addis Ababa from 11 to 14 May 1994, to be held in conjunction with the OAU Intergovernmental Group of African Experts established by the Council of Ministers of OAU (OAU CM/Res.1342(LIV));

(b) The Windhoek draft text of an African nuclear-weapon-free zone treaty (the "African NWFZ treaty") will be submitted as a working document for the joint meeting at Addis Ababa. The Group expressed the hope that the United Nations would translate and provide the document in Arabic, English and French. Sufficient copies of the document in those languages will be sent to Addis Ababa for the meeting;

(c) The five nuclear-weapon States were requested to submit their responses to the Windhoek draft text of an African NWFZ treaty before the Addis Ababa meeting. Such responses will be coordinated by Mr. Sola Ogunbanwo, who will convey them to the experts at the Addis Ababa meeting;

(d) There was a need to approach an experienced cartographer to provide a map of the African nuclear-weapon-free zone based on agreed guidelines;

(e) There was also a need to consult countries internationally responsible for territories that may lie in the African nuclear-weapon-free zone. The Windhoek meeting identified those countries as France, Portugal and Spain.

10. In concluding their work at the Windhoek meeting, the Group of Experts expressed their appreciation to the Secretary-General of the United Nations for the diligence with which the United Nations had rendered effective technical support and financial assistance for the work of the Group. The Group further expressed the hope that the United Nations would continue to provide support services until the final conclusion of the African NWFZ treaty.

11. A draft text of an African NWFZ treaty, which was considered and adopted by the experts during the Windhoek meeting, was accordingly submitted to the fifth meeting of the Group of Experts at Addis Ababa as a working document.

II. REPORT OF THE MEETINGS OF EXPERTS

12. At the beginning of its work, the Group of Experts meeting at Addis Ababa expressed its determination and readiness to finalize the drafting of a treaty on a nuclear-weapon-free zone in Africa pursuant to General Assembly resolution 48/86.

13. The Group had before it the following documents:

(a) Windhoek text of an African nuclear-weapon-free zone treaty, translated and provided by the United Nations in three languages, Arabic, English and French;

(b) Written responses on the text from three nuclear-weapon States, namely, France, the United Kingdom and the United States of America.

14. After the introduction of the Windhoek text by the Chairman, the experts, in conjunction with the representatives of the States members of OAU, at Addis Ababa invited to the meeting, made general comments and then reviewed the text paragraph by paragraph, making amendments as necessary and giving consideration to the written proposals submitted by the nuclear-weapon States.

15. Agreement was reached on all the provisions of the draft treaty, including the three protocols addressed to the extraterritorial States. The only area left for further reflection was the zone of application of the treaty as provided for in annex I of the draft. Specifically, the consideration of the listing of islands to be included in the zone, other than those which are members of OAU, and drawing up the geographical map of the zone, was not conclusive at the meeting. It is recommended that care should be taken that the zone encompass all islands between continental Africa and the farthest island State member of OAU, including any territory claimed by that island.

16. Bearing the above in mind, the Group of Experts reached the following conclusions:

(a) The Group of Experts requested its Chairman to submit its report and the draft text of the treaty on an African nuclear-weapon-free zone to the Secretary-General of OAU for submission to the Council of Ministers at its sixtieth ordinary session, at Tunis, for consideration;

(b) The Group also agreed that its report and the draft treaty text should be submitted to the General Assembly at its forty-ninth session in accordance with resolution 48/86.

17. Finally, in concluding its work, the Group of Experts expressed once again its appreciation to the Secretary-General of the United Nations for the diligence with which the United Nations had rendered effective technical support and financial assistance for the work of the Group. The Group further paid tribute to the Secretary-General of OAU and his staff for the support extended to the Group at their meeting at Addis Ababa.

18. The draft text of an African NWFZ treaty, as adopted by the experts at the Addis Ababa meeting, is attached herewith.

APPENDIX

Addis Ababa draft text of an African nuclear-weapon-free zone treaty

The Parties to this Treaty,

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity [hereinafter referred to as OAU] at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/Res.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifty-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/Res.1342(LIV) and CM/Res.1395(LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting general and complete disarmament and enhancing regional and international peace and security,

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons [hereinafter referred to as the NPT] and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to

facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the African continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have agreed as follows:

Article 1

Usage of terms

For the purpose of this Treaty and its Protocols:

(a) "African nuclear-weapon-free zone" means the continent of Africa, island States members of OAU and other adjoining islands listed in annex I and illustrated on the map attached;

(b) "Territory" means internal waters, territorial sea and archipelagic waters and the seabed and subsoil beneath and the land territory and the airspace above them;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(e) "Nuclear installation" means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.

Article 2

Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

Article 3

Renunciation of nuclear explosive devices

Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device by any State.

Article 4

Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5

Prohibition of testing of nuclear explosive devices

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of any nuclear explosive device;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6

Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive device that it has manufactured prior to the coming into force of this Treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;

(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7

Prohibition of dumping of radioactive wastes

Each Party undertakes:

(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8

Peaceful nuclear activities

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9

Verification of peaceful uses

Each Party undertakes:

(a) That all activities for the peaceful use of nuclear energy shall be conducted under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;

(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10

Physical protection of nuclear materials and facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11

Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12

Mechanism for compliance

1. For the purposes of ensuring compliance with their undertakings with respect to both the activities prohibited in the interest of non-proliferation and those permissible for the promotion of peaceful uses of nuclear science and technology, the Parties agree to establish the African Commission on Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.

2. The Commission shall be responsible for the review of the operation of the Treaty and, in particular, for:

(a) Collating the reports and the exchange of information as provided for in article 13;

(b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;

(c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;

(d) Bringing into effect the complaints procedure elaborated in annex IV;

(e) Encouraging regional programmes for cooperation in the peaceful uses of nuclear science and technology;

(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.

3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints procedure in annex IV.

Article 13

Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty.

2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.

3. The Commission shall receive an annual report on the activities of AFRA.

Article 14

Meeting of Parties

1. A meeting of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, inter alia, elect members of the Commission and determine its headquarters. Further meetings of State Parties shall be held as necessary and at least every three years, and convened in accordance with paragraph 2 (b) of article 12.

2. The meeting of State Parties shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15

Settlement of disputes

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16

Reservations

This Treaty shall not be subject to reservations.

Article 17

Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18

Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.

2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other parties.

Article 19

Signature, ratification and entry into force

1. This Treaty shall be open for signature by any State in the African nuclear-weapon-free zone. It shall be subject to ratification.

2. It shall enter into force on the date of deposit of the [twenty-eighth] [thirty-fifth] instrument of ratification.

3. For a signatory who ratifies this Treaty after the date of the deposit of the [twenty-eighth] [thirty-fifth] instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 20

Amendments

1. Any amendment to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.

3. An amendment so adopted shall enter into force for all parties after receipt by the Depositary of the [twenty-eighth] [thirty-fifth] instrument of ratification.

Article 21

Depositary functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depositary of the Treaty.

2. The Depositary shall:

(a) Receive instruments of ratification;

(b) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations;

(c) Transmit certified copies of the Treaty and its Protocols to all States in the African nuclear-weapon-free zone and to all States eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22

Status of the annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Treaty.

Done at _____

ANNEX I

African nuclear-weapon-free zone

This will encompass the continent of Africa, island States Members of the Organization of African Unity, and all islands considered by the Organization of African Unity in its resolutions to be part of Africa, as well as other islands between those islands and continental Africa. This is illustrated in the attached map [not attached to the draft].

ANNEX II

Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all sources of special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall transmit to the Commission, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any subsequent findings of the Agency in relation to those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

ANNEX III

African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for rotation as well as to include Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4. (a) The costs of the Commission, including the costs of special inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

(c) The budget of the Commission shall be adopted in accordance with paragraph 2 of article 14.

ANNEX IV

Complaints procedure

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

(b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

(c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the special inspection;

(d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

(e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session under paragraph 6 below may, as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

6. Special inspections will not prejudice the rights and the power of the International Atomic Energy Agency to carry out special inspections in accordance with the agreements referred to in paragraph 1 of annex II to this Treaty.

PROTOCOL I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

(a) Parties to the Treaty; or

(b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at _____

PROTOCOL II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at _____

PROTOCOL III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France, Spain and Portugal.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at _____